

REMARKS

Claims 1-9 are pending in this application. Claim 1 is the only independent claim.

Reconsideration in view of the following remarks is respectfully solicited.

Copies of Initialed PTO-1449s Requested

Applicant respectfully requests a copy of the initialed PTO-1449s submitted on September 16, 2004 and July 20, 2005.

In reviewing the application file, the undersigned has noted that the appropriate initialed Form PTO-1449s in response to the Information Disclosure Statement (IDS) filed on both September 16, 2004 and July 20, 2005 have not been received by Applicant. The Examiner is therefore requested to return a copy of each of the initialed Form PTO-1449 noted above to the undersigned as soon as possible.

The Claims Define Patentable Subject Matter

The Office Action makes the following rejections:

(1) claims 1 and 2 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,535,499 to Futamura et al. (hereafter Futamura) in view of U.S. Patent Number 6,633,550 to Gärdenfors et al. (hereafter Gardenfors); and

(2) claims 3-9 under 35 U.S.C. §103(a) as being unpatentable over Futamura in view of Gardenfors and further in view of U.S. Patent Number 6,490,441 to Saito (hereafter Saito) and U.S. Patent Number 6,466,270 to Ichihara (hereafter Ichihara).

These rejections are respectfully traversed.

Applicant respectfully submits that the claimed invention, as set forth in at least independent claim 1, is distinguishable from the combination of Futamura and Gardenfors for at least the following reasons:

The Examiner concedes that Futamura fails to disclose that its middle frequency amplifier 79 is a low pass filter, as claimed. In an attempt to show this low pass filter feature, the Examiner imports Gardenfors.

Specifically, the Examiner alleges that Gardenfors discloses a low pass filter 124 which removes unnecessary frequency components from a transmitting signal. (see Office Action, page 3). The Examiner goes on to state that it would have been obvious to reconfigure the teachings of Futamura with the controllable low pass filter of Gardenfors for the advantage of enhancing the signal quality as well for reducing the overall size of the circuit. (see Office Action, page 3). Applicant respectfully disagrees with these allegations.

For example, applicant submits that Gardenfors fails to disclose an adjustable/variable low pass filter. Instead, Gardenfors merely discloses a fixed Gaussian shaping filter (124) used to suppress the out-of-band signal power. (see Gardenfors, col. 6, lines 26-47). Gardenfors fails to categorize its' low pass shaping filter 124 as having a variable characteristic. Thus, Gardenfors' low pass shaping filter 124 also fails to include a second adjustment means for *adjusting* a cut-off frequency of the low pass filter. The only variable device disclosed in Gardenfors is the variable oscillator. Gardenfors' fixed Gaussian shaping filter is merely a filter having a band pass characteristic of a Gaussian curve.

In addition, applicant respectfully submits that the Examiner has failed to provide proper motivation for combining Gardenfors with Futamura. Applicant submits that the Examiner is merely looking for individual components and attempting to paste together such components to arrive at the claimed invention, although the cited art fails to provide motivation for doing the same.

For example, Futamura is concerned with providing a multi-mode communication device with respect to the CDMA scheme, for example. Futamura fails to mention anything about a single chip concept. In fact, Futamura is completely silent about providing a low pass filter in the same chip as a band pass filter or enhancing signal quality or reducing an overall size of the transmitter-receiver circuit, as alleged by the Examiner.

From our review of Futamura and Gardenfors, applicant finds no teaching or suggestion to support the examiner's asserted motivation to combine the references. Applicant submits that the Examiner's statements are unsupported because the examiner has not established that a single chip, or a reduced size is a factor even recognized by Futamura.

Applicant respectfully submits that Gardenfors fails to make up for the deficiencies found in Futamura.

Applicant further respectfully submits that neither Futamura nor Gardenfors, taken singularly or in combination, (assuming these teachings may be combined, which applicant do not admit) teach or suggest the above noted features.

To establish a *prima facie* case of Obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and not based on applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). See MPEP 706.02(j).

Applicant respectfully submits that the combination of Gardenfors and Futamura fail to teach or suggest each and every feature as set forth in the claimed invention.

Applicant further submits that Saito and Ichihara fail to make up for the deficiencies found in Gardenfors and Futamura noted above.

Applicant respectfully submits that independent claim 1 is allowable over the cited combination for at least the reasons noted above.

As for each of the dependent claims not particularly discussed above, these claims are also allowable for at least the reasons set forth above regarding their corresponding independent

claims, and/or for the further features claimed therein.

Accordingly, withdrawal of the rejection of claims 1-9 under 35 U.S.C. §103(a) is respectfully requested.

Conclusion

In view of the foregoing, Applicant respectfully submits that the application is in condition for allowance. Favorable reconsideration and prompt allowance are earnestly solicited.

Should the Examiner believe that anything further would be desirable to place this application in better condition for allowance, the Examiner is invited to contact Carolyn T. Baumgardner (Reg. No. 41,345) at (703) 205-8000 **to schedule a Personal Interview.**

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment from or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §1.16 or under 37 C.F.R. §1.17; particularly, the extension of time fees.

Dated: August 31, 2005

Respectfully submitted,

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